IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.477/2000

M/s. Ashok Leyland Finance Ltd.

Versus

State & Anr.

DATE OF ORDER :: 03/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rahul Tiwari for Mr. R.K. Mathur, for petitioner

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Instant petition is directed against the order dated 25th April, 2000 whereby the Court of Revision set aside the order of learned trial Judge dated 4th October, 1999 and directed the respondent to furnish security of Rs.3-3 lacs to the satisfaction of the court and the vehicle be handed over to him, who was undisputedly registered owner of the vehicle.

FIR No.137/99 came to be registered by one Shri Dharampal in Police Station Singhana u/ss.147, 341, 323, 365 IPC & Section 3(1)(x) of SC & ST Act against Prathvi Singh and others. During the course of investigation, the Investigating Officer has seized one Mahindra Jeep bearing No.HR 20E-1006 from the possession of respondent. Petitioner filed application u/s.457 Cr.P.C. for interim custody of vehicle on superdgi. Simultaneously, respondent No.2 also moved application for delivery of vehicle. Initially, learned trial Judge after taking note

of the submission made by the parties in regard to respective applications, allowed the application filed by petitioner with the direction that vehicle be handed over to him on furnishing Supurdagi of Rs.3 lacs and surety of the same amount vide order dated 4th October, 1999 – against which respondent No.2 filed revision petition which was allowed vide order dated 25th April, 2000 with the direction that if he submits a proper solvent security to the satisfaction of the court, the vehicle be handed over to him. However, it was made clear that petitioner will be free to adopt the legal recourse available for recovery of the balance instalment if it has not been paid by the person to whom vehicle has been handed over on Supurdagi.

This court has gone through the order of Court of Revision and due safeguard has already been noticed by learned court below while handing over possession of the vehicle and that too was during pending trial.

This court does not find any error committed by learned court below in passing order impugned.

Consequently, the misc. petition fails nd is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.